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86		

87 AUTHORITY: Implementing Sections 3-2-2, 3-3-2, 3-5-1, 3-5-2, 3-6-3, 3-8-1, 5-4-1, 5-4.5-100 88 and 5-8-6 of the Unified Code of Corrections [730 ILCS 5] and Section 1-7 of the Juvenile Court 89 Act of 1987 [705 ILCS 405] and authorized by Section 3-7-1 of the Unified Code of Corrections 90 [730 ILCS 5]. Subparts B and F are also implementing two Supreme Court rulings (Barger v. 91 Peters, 163 Ill.2d 357, 645 N.E.2d 175, 1994 and State of Illinois v. Jameson, 162 Ill.2d 282, 642 92 N.E.2d 1207, 1994. Subpart D is also implementing two Consent Decrees (Beavers vs. Sielaff, 93 #75 C 317, N.D. III., 1977, and Lower vs. Franzen, #78 C 1870, N.D. III., 1980) and Section 8-94 802 of the Code of Civil Procedure [735 ILCS 5]. 95 96 SOURCE: Adopted at 8 Ill. Reg. 14572, effective August 1, 1984; amended at 10 Ill. Reg. 97 20497, effective January 1, 1987; amended at 13 Ill. Reg. 6992, effective May 1, 1989; 98 emergency amendment at 14 Ill. Reg. 12273, effective July 17, 1990, for a maximum of 150 99 days; modified in response to an objection of the Joint Committee on Administrative Rules at 14 100 Ill. Reg. 15600, not to exceed the 150 day time limit of the original rulemaking; amended at 14 101 Ill. Reg. 18461, effective November 1, 1990; emergency amendment at 14 Ill. Reg. 20074, 102 effective December 1, 1990, for a maximum of 150 days; amended at 15 Ill. Reg. 5638, effective 103 April 15, 1991; emergency amendment at 17 III. Reg. 16215, effective September 17, 1993, for a 104 maximum of 150 days; amended at 18 Ill. Reg. 2939, effective February 14, 1994; amended at 105 20 Ill. Reg. 6745, effective May 5, 1996; amended at 37 Ill. Reg. 1598, effective February 1, 106 2013; recodified at 42 Ill. Reg. 16362; amended at 43 Ill. Reg. 3217, effective March 1, 2019; 107 emergency amendment at 44 Ill. Reg. 6091, effective April 7, 2020, for a maximum of 150 days; emergency expired September 3, 2020; emergency amendment at 44 Ill. Reg. 16495, effective 108 109 September 24, 2020, for a maximum of 150 days; amended at 45 Ill. Reg. 4432, effective April 110 1, 2021; amended at 46 Ill. Reg. , effective . 111 112 SUBPART B: DIMINUTION OF SENTENCE 113 114 Section 107.145 Earned Program Sentence Credit 115 116 Individuals in custody Offenders who are enrolled in full-time substance abuse programs, 117 Correctional Industries assignments, vocational or academic educational programs, behavior 118 modification programs, life skills courses, or re-entry planning, self-improvement programs, 119 approved volunteer activities, work assignments or ATC/work release programming approved by 120 the Department may be eligible to receive earned program sentence credit in addition to other credit awarded in accordance with this Part. Earned program sentence credit shall be awarded at 121 122 the applicable rate for each day during which program goals have been achieved in accordance 123 with Subpart F. 124 125 (Source: Amended at 46 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_) 126 127 SUBPART C: MERITORIOUS GOOD TIME, SUPPLEMENTAL SENTENCE CREDIT, AND EARNED DISCRETIONARY SENTENCE CREDIT 128

129

130	Section 107.2	10 Awar	rding o	of Earned Discretionary Sentence Credit
131	- )	Th. D:	4	
132	a)			or his or her designee, may award eligible <u>individuals in</u>
133				ers additional credit up to a maximum of 180 days for individuals
134				ence of less than five years and a maximum of 365 days for
135				ving a sentence of five or more years 180 days, in accordance with
136				a)(3) of the UCOC, for good conduct. However, <u>individuals in</u>
137				ers shall not be eligible to receive earned discretionary sentence
138				nental sentence credit, meritorious good time, or an aggregation of
139		these cre	edits:	
140		1)	~ .	
141		1)	<i>ireate</i>	r than the statutory maximum during one term of incarceration.
142				
143		2) I	f the s	entence credit reduces the sentence to less than:
144				
145		P	<b>A</b> )	85% for <u>individuals in custody</u> offenders required to serve 85% of
146				their sentence; or
147				
148		E	3)	60% for <u>individuals in custody</u> of equired to serve 75% of
149				their sentence, except for the offense of gunrunning, which shall
150				not be reduced less than 75%.
151				
152	b)		_	whether or not to award earned discretionary sentence credit, the
153		Director,	or his	s or her designee:
154				
155		,		nake a determination, either in written or electronic form, that the
156		<u>11</u>	ndivid	ual in custody <del>offender</del> :
157				
158		P	<b>A</b> )	Is eligible, based on his or her holding offenses, to receive earned
159				discretionary sentence credit;
160				
161		E	3)	Has served a minimum of 60 days of his or her sentence in the
162				custody of the Department;
163		_		
164		(	<b>C</b> )	Has received a risk and needs assessment administered with a
165				validated instrument; and
166				
167		Ι	<b>)</b> )	Has met the eligibility criteria established in this Section.
168				
169		2) N	May ex	xamine or consider, among other matters:
170				
171		A	<b>A</b> )	The complete master record file of the individual in custody the
172				offender, including, but not limited to, sentencing material

173 174			including the facts and circumstances of the holding offense, disciplinary records, and reports or recommendations made
175			concerning the <u>individual in custody</u> offender.
176			£
177		B)	Results of an available risk and needs assessment analysis or an
178		,	evaluation from a validated instrument.
179			
180		C)	History of conviction for forcible felony as provided in Section 2-8
181		,	of the Criminal Code of 2012.
182			
183		D)	The assignment performance of the individual in custody offender
184			while in the custody of the Department.
185			•
186		E)	Educational or program performance and achievements of the
187			individual offender while in the custody of the Department.
188			• •
189		F)	Service to the Department, community or State.
190			·
191		G)	Heroic action of the <u>individual in custody</u> offender such as saving
192			the life of an employee or other offender.
193			* *
194		H)	The individual's in custody offender's commitment to rehabilitation.
195			
196	c)	The decision	to award earned discretionary sentence credit shall be at the sole
197		discretion of	the Director or his or her designee.
198			-
199	d)	No individua	l in custody offender shall be eligible to receive earned discretionary
200		sentence cred	lit if he or she:
201			
202		1) Is ser	ving a term of natural life or has been sentenced to death;
203			
204		2) Is ser	ving a sentence for first degree murder or for the offense of
205		terror	ism;
206			
207		3) Has b	een found guilty of a 100-level disciplinary offense under 20 Ill.
208		Adm.	Code 504 during the 12 months preceding the review; or
209			
210		4) Has b	een found guilty of, or has a pending charge resulting from, a
211		crimii	nal offense committed during his or her current term of incarceration.
212			
213	e)		l in custody offender whose court sentencing order recommends
214			use treatment for offenses committed on or after September 1, 2003
215		shall be awar	ded earned discretionary sentence credit unless:

216		
217		1) He or she participates in and completes a substance abuse treatment
218		program; or
219		
220		2) The Director waives the requirement to participate in or complete the
221		treatment program in specific instances in which the <u>individual in</u>
222		custody <del>offender</del> is not a good candidate for the program due to medical,
223		programming or operations reasons. When substance abuse treatment is
224		not available, offenders shall be placed on a waiting list for treatment.
225		<u>Individuals in Custody Offenders</u> on a waiting list who are not placed in a
226		substance abuse treatment program prior to release may be eligible for a
227		waiver and receive earned discretionary sentence credit as determined by
228		the Director or his or her designee.
229		- Control of the cont
230	f)	No <u>individual in custody</u> offender who has been convicted of a sex offense, as
231		defined in the Sex Offender Registration Act, committed on or after June 1, 2008
232		shall be awarded earned discretionary sentence credit unless he or she:
233		·
234		1) Successfully completes or is participating in sex offender treatment as
235		defined by the Sex Offender Management Board (see 20 Ill. Adm. Code
236		1905); or
237		
238		2) Receives a waiver due solely to lack of Department resources.
239		
240	g)	Habitual juvenile <u>individuals in custody</u> of fenders or violent juvenile <u>individuals</u>
241		<u>in custody</u> offenders shall not be eligible for earned discretionary sentence credit.
242		
243	(Source	e: Amended at 46 Ill. Reg, effective)
244		
245		SUBPART F: HIGH SCHOOL EQUIVALENCY
246		AND PROGRAM SENTENCE CREDIT
247		
248	Section 107.5	20 Eligibility for Earned Program Sentence Credit
249		
250	a)	Individuals in Custody Offenders who, on or after January 1, 2018, are engaged
251		full-time in substance abuse programs, Correctional Industries assignments,
252		academic or vocational education programs, behavior modification programs, life
253		skills courses, or re-entry planning, ATC/work release programs provided or
254		approved by the Department shall be eligible to receive earned program sentence
255		credit at the rate of $1.00.5$ per program day provided:
256		
257		1) They are eligible to receive one day of statutory sentence credit for each
258		day served on their sentence of imprisonment or recommitment as a parole

259 260			or mandatory supervised release violator in accordance with Subpart B; and
261 262 263		2)	They achieve the goals established by the Department within a specified time period.
264 265 266 267 268	<u>b)</u>	improvid	duals in custody who, on or after July 1 2021, are engaged in full time self- vement programs, approved volunteer activities, or work assignments led or approved by the Department shall be eligible to receive earned am sentence credit at the rate of 0.5 per program day provided:
269 270 271 272 273		<u>1)</u>	They are eligible to receive one day of statutory sentence credit for each day served on their sentence of imprisonment or recommitment as a parole or mandatory supervised release violator in accordance with Subpart B; and
274 275 276		<u>2)</u>	They achieve the goals established by the Department within a specified time period.
277 278 279	<u>c</u> b)		duals in Custody Offenders shall not be eligible to receive earned program are credit at the rate of 1.0 or 0.5 per day if:
280 281 282		1)	They are assigned to a boot camp or electronic detention program.
283 284		2)	They are serving a sentence for an excluded offense under the provisions of Section 3-6-3(a)(4) of the UCOC.
285 286 287		3)	They are removed from the program for failure to comply with program requirements or for disciplinary reasons.
288 289 290 291 292 293	<u>d</u> e)	who e	duals in Custody Offenders who are not eligible under subsection (a) and nroll full-time in an educational program approved by the Department shall gible to receive program sentence credit at the rate of 0.25 per day led:
293 294 295 296 297		1)	They are eligible to receive one day of statutory sentence credit for each day served on their sentence of imprisonment or recommitment as a parole or mandatory supervised release violator in accordance with Subpart B;
298 299		2)	The offense for which they were convicted was committed on or after September 10, 1990 through August 10, 1993;
300 301		3)	They have not been convicted of first degree murder, second degree

302		murder, or a Class X felony;
303		
304		4) They have not been convicted of a felony that was committed after a
305		previous award of earned good conduct credit or program sentence credit;
306		
307		5) They achieve the educational goals established by the Department within a
308		specified time period; and
309		
310		6) They are not removed from the program for failure to comply with
311		program requirements or for disciplinary reasons.
312		
313	<u>e</u> d)	<u>Individuals in Custody</u> Offenders serving a sentence for an offense committed
314		prior to June 19, 1998, excluding <u>individuals in custody</u> effenders serving a term
315		of natural life imprisonment, may be eligible to receive earned 45 or 90 days of
316		earned program sentence credit for programming completed prior to January 1,
317		2020 if:
318		
319		1) the Department provides documentation of successful completion of
320		programming;
321		p. 5 5
322		2) the <u>individual in custody</u> <del>offender</del> provides testimony in the form of an
323		affidavit or documentation that he or she likely engaged in and
324		successfully completed full-time programming; or
325		successivity completed full time programming, or
326		a third party provides documentation or testimony that the <u>individual in</u>
327		custody offender likely engaged in and successfully completed full-time
328		programming.
329		programming.
330	<u>f</u> e)	<u>Individuals in Custody</u> Offenders who are eligible for earned program sentence
331	<u>1</u> C)	credit under subsection (d) that provide documentation of program participation in
332		excess of 45 days shall receive 90 days of sentence credit.
333		excess of 45 days shall receive 90 days of sentence credit.
334	αf)	Individuals in Quetody Offenders who are aligible for corned program centence
	g <del>f</del> )	<u>Individuals in Custody</u> Offenders who are eligible for earned program sentence
335		credit under subsection (d) that cannot provide documentation of program
336		participation of more than 45 days shall receive 45 days of program participation.
337	1 \	In dividuals in Chartes to Office does all with for a section of the section (1)
338	<u>h</u> g)	<u>Individuals in Custody</u> Offenders eligible for sentence credit under subsection (d)
339		who have been convicted of a sex offense, as defined in the Sex Offender
340		Registration Act [730 ILCS 150], shall not receive the earned program sentence
341		credit under subsection (d) unless he or she successfully completes, or is
342		participating in, sex offender treatment. However, if the <u>individual in</u>
343		<u>custody</u> offender is on a waiting list for treatment but is unable to participate due

344		-	to lack of Department resources, he or she may be awarded 45 or 90 days
345		earne	d program credit at the discretion of the Director.
346	:1.1	NIa ia	dividual in assets deseffer den aball he aliaible to manive sound any arrow
347	<u>i</u> h)	· · · · · · · · · · · · · · · · · · ·	dividual in custody offender shall be eligible to receive earned program
348		senter	nce credit if the award reduces his or her sentence to less than:
349 350		1)	950/ for individuals in system days from days required to some 950/ of their
350 351		1)	85% for <u>individuals in custody</u> offenders required to serve 85% of their
351			sentence; or
352 353		2)	600/ for individuals in quetody offenders required to some 750/ of their
354		2)	60% for <u>individuals in custody</u> offenders required to serve 75% of their
35 <del>4</del> 355			sentence, except for the offense of gunrunning, which shall not be reduced less than 75%.
356			less than 75%.
357	::)	En11 +	ima assignment to a program for which an offender may be cligible to
358	<u>ji</u> )		ime assignment to a program for which an offender may be eligible to
359		recerv	ve earned program sentence credit shall mean:
360		<del>1)</del>	The offender is housed at a residential substance abuse program facility or
361		<del>1)</del>	unit or is normally scheduled to participate in substance abuse
362			programming at least 15 hours per week;
363			programming at least 15 nours per week,
364		<del>2)</del>	The offender is normally scheduled to work with or receive job training
36 <del>4</del> 365		<del>2)</del>	from Correctional Industries at least 20 hours per week;
366			from Correctional madistries at least 20 hours per week,
367		<del>3)</del>	The offender is a student enrolled in an educational program that has
368		3)	classes that are normally scheduled to meet a minimum of 10 hours per
369			week, or the offender is enrolled in college academics for a minimum of
370			six credit hours per module or 12 credit hours per semester;
371			six credit nodis per module of 12 credit nodis per semester,
372		<del>4)</del>	The offender is enrolled in a behavior modification, life skills course, or
373		• /	re-entry planning program for the number of hours identified in his or her
374			program contract and as determined by the risk and needs assessment.
375			program contract and as determined by the risk and needs assessment.
376		1)	Behavioral modification, life skills, re-entry planning, self-improvement
377			program and volunteer activity programming shall be considered full-time
378			if they include a minimum of three-hours of programming.
379			<del> </del>
380		<u>2)</u>	Educational programming shall be considered full-time if an individual in
381			custody:
382			
383			A) Is enrolled in a continuing, ongoing, regularly scheduled
384			educational program, and
385			

386		<u>B)</u>	Is enrolled in Adult Basic Education (ABE), Advanced ABE,
387			Adult Secondary Education (ASE) or vocational programs where
388			classes are regularly scheduled to meet a minimum of 10 hours per
389			week (minimum of five days per week, two hours per day or four
390			days per week, two and one-half hour per day), except for
391			holidays; or
392		~`	
393		<u>C)</u>	Is enrolled in a college academic program for a minimum of six (6)
394			credit hours per module or twelve (12) credit hours per semester.
395	2)	G 1	
396	<u>3)</u>		nce use programming shall be considered full-time if the participant
397		<u>is:</u>	
398			
399		<u>A)</u>	Housed in a dedicated substance use program facility, or housing
400			unit or housing unit wing, in which all individuals in custody are
401			receiving full-time substance use services; or
102			
403		<u>B)</u>	Normally scheduled to participate in a minimum of 15 hours of
404			substance use programming per week.
405	45		
406	<u>4)</u>		rectional Industries assignment shall be considered full-time if
407			lly scheduled for a minimum of four hours per day, five days per
408		week.	
109	<b>48</b>		46 TU D
410	(Source: Am	ended at	t 46 Ill. Reg, effective)
411	C 4 105 53 ( II)		
412	Section 107.526 Hig	gner Ea	ucation Earned Program Sentence Credit
413		OCC	1 1 1 11 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
414		-	ders who are eligible for earned program sentence credit in
415			.520 and who have not previously obtained a higher education
416			days of earned programs sentence credit for an Associates degree or
417			n beyond and Associate degree earned program sentence credit if he
418			on degree while committed to the Department or while held in pre-
419 420	-		her current incarceration in the Department. The award of higher
420 421		gram se	ntence credit shall be in addition to other awards of earned sentence
421 422	credit.		
122	(C A	1.1.	(ACIII D
123	(Source: Am	ended a	t 46 Ill. Reg, effective)
124 125	C4 107 FEO. C-	- 1 D	1_
125 126	Section 107.550 Go	ai Perio	ous
126 127	a) Tk	المحمد أمح	od for individuals in queto desoffer dans rubs and annullad in an
127 128	· · · · · · · · · · · · · · · · · · ·	-	od for <u>individuals in custody</u> offenders who are enrolled in an
128	educai	nonai pi	rogram, except college academic programs, shall be 45 instructional

429 days of attendance or the number of instructional days of attendance required to 430 complete the program if less than 45 instructional days, unless otherwise modified by the Director or his or her designee. 431 432 433 The goal period for individuals in custody<del>offenders</del> who are enrolled in college b) 434 academic programs and for individuals in custody<del>offenders</del> in the transition 435 centers who are enrolled in any educational program approved by the Department 436 shall be the period of time during which the classes are scheduled, unless otherwise modified by the Director or his or her designee. 437 438 439 c) The goal period for substance abuse programs shall be the length of the program 440 or 90 consecutive days, whichever is shorter, unless otherwise modified by the 441 Director or his or her designee. 442 443 d) The goal period for behavior modification programs, life skills courses, and re-444 entry planning programs, self-improvement programs, approved volunteer activities and work release, for which an individual in custody offender may be 445 446 eligible to receive earned program sentence credit shall be the number of hours 447 determined to be beneficial based on the individual's in custodyoffender's risk and 448 needs assessment. 449 450 The goal period for Correctional Industries assignments shall normally be 90 e) 451 days, unless otherwise modified by the Director or his or her designee. 452 453 f) When an individual in custody offender completes the program early, the goal 454 period shall be revised to the date of completion and the individual in 455 custody<del>offender</del> shall be eligible to receive program sentence credit for the 456 revised goal period. 457 458 If the individual in custody<del>offender</del> is removed from the program or assignment g) 459 due to placement in protective custody, non-voluntary transfers for other than disciplinary reasons, termination or suspension of the program by the Department, 460 release on parole or mandatory supervised release, transfer to work release, 461 462 placement on electronic detention, or other reasons approved by the Chief Administrative Officer, the goal period may be revised to the date removed from 463 the program. In determining whether to revise a goal period, the Department shall 464 465 consider, among other factors, the individual's in custody offender's medical and mental health status, protection needs, projected release date, and time in the 466 467 program. The <u>individual in custody shalloffender may</u> be eligible to receive program sentence credit for the revised goal period provided satisfactory progress 468 469 has been made towards achieving stated goals. 470

If the individual in custody<del>offender</del> is removed from the program or assignment

471

h)

172		prior to completion of the goal period due to reasons other than those stated in
173		subsection (i) of this Section, the offender shall not receive any earned program
174		sentence credit for the goal period.
175		
176	(Sour	ce: Amended at 46 Ill. Reg, effective)
177		
178 179		560 Award of High School Equivalency Earned Program Sentence Credit and ntence Credit
180	- 1 0 <b>g</b> - w 2 4-	
181	Within 15 wo	orking days, whenever feasible, after completion of the goal period or removal from
182		the program administrator or Chief Administrative Officer shall:
183	me program,	the program doministrator or emerical manifestrative officer share
184	a)	Determine whether the <u>individual in custody</u> offender achieved the required goals
185		or was making satisfactory progress toward achieving the goals in accordance
186		with Section 107.550(g).
187		
188	b)	Document the determination of ineligibility or the award of the HSE certificate.
189	٥)	Awarded HSE earned program sentence credit shall only be subject to revocation
190		if it is subsequently determined that the offender was not eligible for the award.
191		Partial HSE earned program sentence credit shall not be awarded.
192		
193	c)	Document the determination of ineligibility or the number of calendar days during
194	,	the goal period for which the offender is eligible to receive earned program
195		sentence credit. The days eligible for the award shall be the number of calendar
196		days during the goal period, less the total number of days of lockdowns, days the
197		offender was absent, and days in which class or the program assignment was
198		cancelled.
199		
500	d)	Ensure earned program sentence credit is computed at the appropriate rate, 0.25 or
501	,	0.5, in accordance with Section 107.520(a) or (c).
502		
503	e)	The award of HSE earned program sentence credit or program sentence credit
504		shall be subject to the review and approval of the Director or his or her designee.
505		A copy of the award of HSE earned program sentence credit or earned program
506		sentence credit shall be filed in the offender's master record file.
507		
808	f)	<u>Individuals in Custody</u> Offenders shall be advised in writing of the award of HSE
509		program sentence credit or program sentence credit or the determination of
510		ineligibility of the award.
511		
512	g)	New goal periods and goals shall be established upon continued placement or re-
513		enrollment in educational programs or continued placement in substance abuse
514		programs, behavioral modification programs, life skills courses, re-entry planning,

515	or Correctional Industries assignments in accordance with this Subpart.
516	
517	(Source: Amended at 46 Ill. Reg, effective)